

MINUTES OF THE REGULAR MEETING OF THE
BOARD OF EMERY COUNTY COMMISSIONERS HELD IN THE
EMERY COUNTY COURTHOUSE

JUNE 24, 2014

Present at the meeting was Chairman Jeff Horrocks, Commissioner Ethan Migliori, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox elected officials and citizens. Commissioner JR Nelson was not able to attend the meeting. Therefore, Commission Chairman Jeff Horrocks stepped down throughout the meeting to execute motions as needed.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # 231053 through and including #231179 were presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
33-14	Conversion Kit (to convert weapons) Sheriff	\$ 1,788.00
34-14	Capstan power hoist Sheriff	2,652.55
35-14	Vinyl flooring - bathroom Elmo Library	711.00
36-14	Mammoth mural for Paleontology Room Museum of the San Rafael	7,500.00

One disposition was presented for #5822, desk shelf.

(2)

APPROVAL TO HIRE CORY WORWOOD AS THE WEED & MOSQUITO SUPERVISOR
AT WAGE 21, FLSA EXEMPT.

(3)

APPROVAL OF COMMISSION MEETING MINUTES DATED JUNE 10, 2014

Motion to approve the consent agenda was made by Commissioner Ethan Migliori, seconded by Commissioner Jeff Horrocks and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA.

Nothing

(2)

ARIE VAN DE GRAAF, UAC, CENTRALLY ASSESSED PRESENTATION. DISCUSSION AND POSSIBLE ACTION.

Arie Van De Graaf, UAC discussed issues regarding possible legislation regulating the centrally assessed appeals process. Property that is taxed in Utah is assessed a value in one of two ways. Homes and most businesses are appraised by the county assessor within the county where they are located. Utilities, airlines, and telecommunications companies' property that often cross over county lines are assessed by the State Tax Commission. These two classifications are called locally assessed and centrally assessed properties.

Decades ago counties became concerned with the number of appeals the large, centrally assessed taxpayers were filing with the Tax Commission. Unchecked, the result of these appeals was a tax shift from centrally assessed taxpayers to locally assessed taxpayers. At that time, counties engaged in the appeal process for two primary reasons: 1) to defend the work of the property tax division of the tax commission and, more importantly, 2) to protect home and small business owners from bearing an undue burden of property taxes.

The counties' right to participate in the appeal process was sustained first by the Utah Supreme Court and later through code.

This year centrally assessed taxpayers are pushing legislation that would limit the counties' participation in the centrally assessed appeals process. Proponents for the legislation argue that counties' participation in the appeals process introduces uncertainty in taxation and has escalated over time.

Mr. DeGraaf stated that UAC argues that the counties play an important role as a balance in the process and that county appeals make up a small portion of the total. According to the Tax Commission, counties accounted for only 16 percent of recently resolved appeals. And of those appeals, over 60 percent were protective appeals where the taxpayer also appealed the valuation and the counties wanted to ensure they were on equal footing.

The Utah Association of Counties recognizes that there are problems with the current process, but rather than limit and important check to the system; they proposed supporting and amendment to current law allowing counties and taxpayers to cross-appeal and appeal. This would eliminate the cases of protective appeals- gently reducing the number of appeals both the counties and the taxpayers file. They proposed establishing statutory presumption of correctness of the original assessment, recognizing the professional work the tax commission does.

Mr DeGraaf asked for the support of the counties' 'right to act as the taxpayers' watchdog in preserving a fair property tax system.

Treasurer Steven Barton commented that he is not aware of a single appeal which Emery County has won. Theoretically, we need to be able to appeal, but realistically we lose appeals. It makes sense to constantly re-assess our options. We do not want to lose our options.

Jeff Guymon asked why the State Tax Commission doesn't publically define how they assess centrally assessed properties.

Emery County Attorney David Blackwell stated that the formulas used are so complicated. If we do not challenge back then we leave the counties outside of the process. He stated he like the idea of cross-appeals. We need to protect having a voice in what they are doing.

Mr. DeGraaf urged the Commissioners to reach out and let your legislators know what the counties' want.

Commissioner Jeff Horrocks indicated that the Commission will table any action until after UAC meeting and receive direction from them.

(3)

PROFESSIONAL TITLE COMPANY, CONSIDERATION AND APPROVAL OF QUIT
CLAIM DEED TO CLEAR PROPERTY 1-162-3 OF TAXES OWED TO EMERY COUNTY
ACCORDING TO MAY TAX SALE OF 1954.

Clay Holbrook, Professional Title Company came before the Board of Commissioners to clear up a title from Green River property sold at a May Tax Sale. There was an official conveyance of

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property to Emery County in 1951. The property was still on tax roll in 1953 but there is no record of the property being put back on the tax roll. Somewhere along the way something slipped through the cracks. There is a lien on the property. The owners are now trying to sell the property. Mr. Holbrook asked to have a release of lien and presented a Quit Claim Deed to clear up the property. Commissioner Ethan Migliori made a motion to, pending review from the County Attorney, release the lien on property 1-162-3 by way of a Quit Claim Deed. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

Commissioner Ethan Migliori made a motion to leave the regular meeting and move into a public hearing to receive comment regarding a proposed ordinance to govern the permitting of special events and at the conclusion of the public hearing to return to the regular meeting. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(4)

9:30 A.M. - PUBLIC HEARING- TO RECEIVE PUBLIC COMMENT REGARDING A
PROPOSED ORDINANCE TO GOVERN THE PERMITTING OF SPECIAL EVENTS.

The purpose for the Public Hearing was to receive public comment regarding a proposed ordinance to govern the permitting of special events in the county. A draft of the proposed ordinance was available and reviewed. Attorney David Blackwell indicated that there are areas that are left blank to allow for things like county or city sponsored functions. Mike McCandless indicated that would be things like the Castle Valley Pageant, OHV Jamborees, triathlons, etc. where there may be gatherings of 50 people or more and fees may or may not be charged.

Ray Petersen asked what triggers the need for a permit?

Mike McCandless asked about film crews in the county?

Ray Petersen asked if it regulates public property or private property or both?

Mike McCandless asked the time frame for approval?

David Blackwell indicated that the ordinance allows for up to 45 days to process.

Commissioner Migliori indicated that timeliness is a legitimate concern.

Mark H. Williams asked if there is a fee involved with obtaining a permit?

Commissioner Migliori indicated that a fee has not been determined at this time. The county is just looking for compensation when damage occurs as a result of a large event. There is no desire to stop any events in the county.

Sheriff Funk indicated there needs to be a way to bill the organization to pay for clean-up. He indicated that clean-up will affect his budget and take resources from the county.

Bill Dellos asked if there is a fine for not obtaining a permit?

Commissioner Migliori indicated that non-compliance is addressed in the document.

Ray Petersen asked if the document is available for the public to view?

David Blackwell explained that a draft of the proposed ordinance can be viewed at the Clerk/Auditor's office.

Mike McCandless indicated that he is not opposed to the permitting process, his issue is with the timeliness of obtaining the permit. He suggested maybe some kind of tiered approach.

The comments came to a conclusion.

The Public Hearing ended and the Commission returned to the regular meeting agenda.

(5)

CONSIDERATION AND APPROVAL OF ORDINANCE TO GOVERN THE PERMITTING OF SPECIAL EVENTS.

In light of the comments received in the Public Hearing, Commissioner Ethan Migliori made a motion to table this issue to allow for time to review the comments/suggestions and present again at 9:30 am on July 8, 2014. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(6)

KEVIN TUTTLE, REQUEST TO INSTALL MONUMENT AT THE MILL DAM SITE NEAR ORANGEVILLE, UTAH. CONSIDERATION AND APPROVAL OF REQUEST.

Commissioner Ethan Migliori indicated that the monument at the Mill Dam Site near Orangeville, Utah is in conjunction with Castle Dale Stake Youth Conference on June 28, 2014. He indicated that it is a 3x2 foot monument in concrete. However, the requested placement for the monument is located on a county road right-of-way. He indicated he is not opposed to the monument if they are willing to move placement about forty feet west out of the road right-of-way and onto county property. Commissioner Ethan Migliori made a motion to approve a request to install a monument at the Mill Dam Site near Orangeville, Utah contingent upon moving the location for the monument forty feet west out of the road right-of-way. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF GRANT AGREEMENT BETWEEN STATE OF UTAH AND EMERY COUNTY MUSEUM OF THE SAN RAFAEL FOR YOUTH EDUCATION AREA.

Maegan Wilberg, MOSR Director requested approval of a grant agreement between State of Utah and Emery County Museum of the San Rafael to provide a youth education area in the museum. There is no monetary liability for the county. It will be positioned in the NE corner of the exhibit

area and will consist of a dinosaur dig area and depictions of Native American life in a way that will be interesting and entertaining for children. Commissioner Ethan Migliori made a motion to approve of a grant agreement between State of Utah and Emery County Museum of the San Rafael for a youth educational area. The motion was seconded by Commissioner Jeff Horrocks. The motion passed.

(8)

CONSIDERATION AND POSSIBLE APPROVAL OF RESOLUTION AUTHORIZING THE
CREATION OF THE SEVEN COUNTY INFRASTRUCTURE COALITION.

Mike McCandless explained that the seven county group was organized last year to facilitate some of the economic development efforts because we have lost so much political power in the legislature. Previously we entered into a memorandum of understanding between the seven counties to formally organize the group. There is no intention to change that existing MOU which is the Seven Eastern Utah Economic Development Coalition. This would be the creation of a new interlocal agreement between the seven counties. This would authorize the joint seven counties to go after and seek funding from CIB to do specific projects that have a specific goal such as do research on specific studies like railroad, roads, pipelines, etc. The intent is to enter into an interlocal agreement to authorize the seven county group to go to the next step. Attorney Eric Johnson has drafted the interlocal agreement on behalf of the group. The document has been sent to the all the county attorneys for the seven counties.

David Blackwell commented that this agreement actually creates a new legal entity. The group will have power that any corporation will have. They can seek funds from federal and state sources. He indicated that he had a question on compensation for service. They would have their services paid for as a governing board. As an elected official there is a restriction on what they can be compensated for. There is a question whether as elected officials they can be compensated for their expenses. Commissioners, especially, are not allowed to receive compensation for service. Mike indicated that Commissioners can appoint another elected official to represent them on that board. Mr. Blackwell indicated that the coalition can not incur debt for any individual county. Mike indicated that each of the seven counties share in revenues. If a project generates revenue in one of the counties the other counties share in that revenue. Commissioner Migliori commented that the group has been able to do some good things that could not have been done previously.

Leslie Bolinder explained that there is actually two different documents. One is the resolution to create the entity and the other is the interlocal agreement.

Commissioner Ethan Migliori made a motion to include both documents on the next Commission Agenda. The motion was seconded by Commissioner Jeff Horrocks. The motion

passed.

(9)

COMMISSION/ELECTED OFFICIALS REPORT.

Commissioner Migliori

Commissioner Migliori reported that the Care Center RFP's that they did receive didn't quite address the problems that they wanted them to. Bids are coming back in now and they will be reviewing them. The Emery County Fair is ongoing now. They are looking for more carnival type events. He recently attended a meeting regarding mining and looking at the future of mining. UAC is doing a study of coal mining in the area. They want to address future opportunities and how to take advantage of them. He attended pot luck meetings in Green River (an informal business group that works in conjunction with the Business Chamber from this side). The purpose of their meetings is to promote events in Green River and how to create new events to lengthen out their tourist season.

BEAR project will be back in the area visiting with small businesses to assess their needs.

(10)

ADJOURNMENT

The meeting was adjourned.

ATTEST: _____ COMMISSIONER: _____